Slaughter v. Jones Day
Doc. 16 Att. 8

EXHIBIT D

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AFFIDAVIT OF MARK METTS

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

On this day, Mark Metts, the affiant, appeared in person before me, a notary public, who knows the affiant to be the person whose signature appears on this document, and stated:

"1. My name is Mark Metts. I am over eighteen years of age, of sound mind, have never been convicted of a felony, and am competent in all respects to make this affidavit. The facts stated herein are within my personal knowledge and are all true and correct.

2. I am currently a partner in the Houston office of Jones Day ("Jones Day" or the "Firm"). I have held this position since June 2003. As partner, my duties include, among others, advising and representing clients in legal matters, supervising the work of certain other attorneys and staff members, and providing input into certain policy, procedure, and staffing decisions for the Firm. Before joining Jones Day, I was an executive officer and/or managing director of Enron Corp. for approximately three years, prior to which time I was a partner in the law firm of Vinson & Elkins, L.L.P.

3. In or around September 2003, due to the growing demands of the Houston office, Jones Day decided to create a position of GIS Manager in Houston. Kevin Richardson ("Richardson"), Office Administrator for the Houston office, asked me to serve on the *ad hoc* selection committee for the GIS Manager position because of my long service on Vinson & Elkins's technology oversight committee, my expertise in the technology field, and my heavy use of Firm technology.

4. Three internal candidates applied for the position, including Ava Slaughter ("Slaughter"), Technical Support Specialist in the Houston office, Mary Adams ("Adams"), and Jerri Del Riesgo ("Del Riesgo"). I interviewed each candidate for the position, as did Richardson, Hugh Whiting, Partner-in-Charge for the Houston office ("Whiting"), and Houston partner Scott Cowan ("Cowan").

5. I was provided with each candidate's resume and 2002 and 2003 performance evaluations. I then interviewed each candidate separately, and I was told by each of the other individuals serving on the selection committee that they did as well. I asked all of the candidates generally the same questions. I did not consider any candidate's race in making my determination on which candidate to recommend for the GIS Manager position. My focus in interviewing the candidates was to pick the best person for the job.

6. After conducting my interviews of the candidates and reviewing the information provided to me, I ranked Del Riesgo first, Adams second, and Slaughter third. I ranked Del

Riesgo first because of her strong knowledge of Firm technology and because of the initiative she displayed in her interview. In addition, Del Riesgo's answers to my interview questions demonstrated a clearer and better vision for the future of technology use at the Firm and its Houston office than Slaughter's answers did.

7. I had worked with Slaughter prior to the time that she interviewed for the GIS Manager position. My experiences working with her indicated that she was often disorganized, which on several occasions hindered her responsiveness.

8. Slaughter did not impress me in her interview for the GIS Manager position, in part because she didn't express any concern that the Houston office's implementation of technology needed to change. Because of my negative impressions of Slaughter following her interview, I recommended that Jones Day not promote her to the position of GIS Manager.

9. After I interviewed each of the three candidates, I met with the other interviewers to discuss our individual rankings of the candidates. Cowan and I were asked by Whiting to present our respective views before Richardson or Whiting did, and both Cowan and I did so. Each of the four interviewers ranked Del Riesgo first and Slaughter third. Collectively, we recommended that Jones Day promote Del Riesgo to the GIS Manager position.

Further affiant sayeth not."

Mark Metts

SUBSCRIBED AND SWORN TO before me on this 6 day of November, 2006.

JOHN LYNN PALUCH
Notary Public, State of Texas
My Comm. Expires Oct. 24, 2009

Notary Public in and for
the State of Texas

John Lynn Paluch
Printed Name of Notary

My Commission Expires: October 24, 2009